

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 772 OF 2007

Mr. Nana Chudasama .. Petitioner

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Amit Bajpai, Advocate, i/b. Ashwin Ankhad &
Associates, Advocates for the petitioner.

Mr. D.P. Adsule, APP, for State.

Ms. Vasanti Joshi, Advocate, for Respondent No.2.

CORAM: J.H.BHATIA, J.

DATE : 21st June, 2007.

P.C.

1. Heard Mr. Bajpai, learned counsel for the petitioner.

2. Respondent No.2 filed a complaint against Atash Industries (I) Ltd. and others, including the present petitioner in the year 2003 for the offences punishable

under Sections 409, 420, 477(A) etc. of I.P.C. The process was issued in the beginning of 2004. The petitioner did not challenge the issuance of process by filing any revision application, though that remedy was available to him. The record reveals that evidence of the complainant before framing of charge was commenced on 6.11.2006 and has been completed on 20.4.2007.

3. The Advocate for the petitioner filed pursis to the effect that the accused reserved right to cross-examine the complainant after framing of charge. Therefore, he sought liberty to cross-examine the complainant after framing of charge. It shows that the accused did not want to cross-examine the complainant before framing of charge. In view of this, the complainant was not cross-examined and the matter is now fixed for hearing of arguments whether there is prima facie material to frame or not to frame charge.

4. At this belated stage, the petitioner, who is original accused No.3, has filed this Application under section 482 of Cr.P.C. to quash the proceedings.

5. In view of the circumstances noted above, I find that this Application has been made at a very late stage. The petitioner did not avail the remedy of

revision which was available and he allowed the complainant to lead evidence before framing of charge. This attempt is being made to stop the proceedings of the trial Court. I find that in such circumstances, it is not in the interest of justice for this Court to invoke inherent jurisdiction under Section 482 of Cr.P.C.

The Application stands rejected.

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(J.H.BHATIA, J.)